

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 153

January 14, 2021

SUMMARY OF BILL: Creates a rebuttable presumption that it is not abuse or neglect of a child for a parent or guardian to administer hemp to the child by means other than smoking. Prohibits revocation of parole, probation, or bail based on a urine drug test result that is positive for THC below 35 ng/ml. Prohibits a school from disqualifying a student from participation in voluntary extracurricular activities based on such a test. Prohibits public employers from taking adverse employment action on such test result. Prohibits the state from denying temporary assistance for needy families (TANF) benefits based on such test result.

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- Any impact to the court system as it relates to cases of neglect or abuse of a child will be not significant.
- Probation and parole officers have considerable discretion when it comes to disciplining violations. There are not figures available, but it can be reasonably assumed that most violations of a urine drug test involving solely THC below 35 ng/ml is not a significant portion of penalties that officers suggest the penalty to be jail or incarceration.
- Prohibiting the revocation of parole, probation, or bail based solely on a urine drug test result such as this will not have a significant impact on local government expenditures.
- Prohibiting a local education agency, principal, or a school counselor from disqualifying a student from participation in voluntary extracurricular activities as a result of a drug test with below the legislative limit will not result in a significant impact to local expenditures.
- Per the language of this legislation, "adverse action" means to discharge, threaten, or otherwise discriminate against an employee in any manner that affects the employee's employment, including compensation, terms, conditions, location, rights, immunities, promotions, or privileges.
- Specifying that each state and local government entity is prohibited from taking adverse action against an employee of the state or local government entity based solely on a positive drug test result of THC in a concentration less than 35 ng/ml will not have a significant fiscal impact on state or local government expenditures.

- Pursuant to Tenn. Code Ann. § 71-3-1202, the Department of Human Services (DHS) shall develop a plan to implement a program of suspicion-based drug testing for each applicant who is otherwise eligible for TANF, or its successor program.
- DHS operates the drug testing requirement via a statewide contract administered by the Department of General Services along with contracts with independent vendors responsible for collecting and testing the samples. Implementation of the legislation would require communicating this change to the vendor to inform them only positive results 35 ng/ml or higher be forwarded to medical review officers. This can be accomplished without a significant fiscal impact to state government.
- Since 2014, 0.1 percent of TANF applicants have tested positive for drugs; therefore, it is assumed that this legislation will not significantly impact the total number of TANF recipients.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Bojan Savic". The signature is written in a cursive, flowing style.

Bojan Savic, Interim Executive Director

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